

A meeting of the Jasper County Board of Zoning Appeals was held Monday, May 23, 2016 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Jim Martin, John Korniak and Scott Walstra. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: Chris Healey.

Meeting was called to order by Vice President Jim Martin. The first order of business was the call for approval of the January 2016 minutes.

Scott Walstra made the motion to approve the January 2016 minutes. Motion was seconded by John Korniak and carried unanimously.

Variance

Cause#BZA-1-16

Applicant: Rose Acre Farms, Inc. – Arthur & Beatrice Brinkman Trust
Location: Sec.31-30-7 – Newton Twp. – St.Rd. 14 W. of 1100N. S-side
Use: Variance for set-back requirements

Public hearing held pursuant to notice published April 29, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Attorney Shelmon representing the applicant stated that Rose Acre Farms is intending on purchasing the property from Arthur & Beatrice Brinkman Trust in order to put a Confined Feeding Operation in. In order to do that there is a set-back requirement of 1320 ft. from all property lines. They are asking for a front yard, East and West side set-back variance. The front yard they are requesting to be 600ft., the east property line will be 105ft. and the west side property line they are asking to be 700ft. The facility will include 4 chicken houses. The chickens will be able to be outside in a fenced in area. This operation will be affiliated with the Fair Oaks Dairy Adventure and they will be able to tour the proposed operation.

Attorney Shelmon then read the proposed facts of findings that he has provided to the board members.

- i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

RESPONSE: The variance will allow the public to be educated in organic egg production, as the facility will be built in a location that is readily accessible for public tours which are planned for the facility.

- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

RESPONSE: The land adjoining the site is farmland and it will not be adversely affected if this project and variance is approved. In fact, the development of the

site as proposed may encourage development of not only adjoining but other land in the immediate surrounding area.

- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

RESPONSE: The real estate would not be marketable as anything other than farmland if the project is not permitted, especially since any frontage that may be developed in the future would prevent any development of the remaining areas.

Attorney Sammons stated that the Planning and Development Office just realized that the newspaper advertisement has the wrong meeting date for the proposed application.

Attorney Shelmon replied that he is wondering if they sent the previous affidavit to his office instead of the current one. He has a copy of the public notice that he sent to the newspaper stating tonight's meeting date. He feels the date for the meeting was advertised correctly but they sent the wrong proof of affidavit to his office and the Planning and Development office.

Attorney Sammons asked if there is a correct publication for the hearing tonight?

Mary Scheurich replied that we do not have a copy of the correct publication.

Jim Martin stated that Kevin Kelly is going to his office to see if he has the newspaper that the notice was put in so we will put this application on hold until he gets back and move onto the next item on the agenda.

Since the newspaper advertised the wrong hearing date the application will be continued to the next regularly scheduled meeting on June 27, 2016 at 7:00 pm.

Special Exception

Cause#BZA-2-16

Applicant: Compass Holding, LLC – Corporate Design & Development Group, LLC

Location: Sec.18-31-7 – Keener Twp. – St.Rd. 10 W. of I-65 S-side

Use: Travel Center/Truck Stop

Public hearing held pursuant to notice published May 12, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Chris Kalischefski was present and representing the applicant stated that he works for Compass Holding LLC. They are requesting Special Exception Approval for a Truck Center/Truck Stop. There are currently 2 other truck stops located on the North and South side of St.Rd. 10 and East of I-65. Their client owns approximately 50 acres and they are proposing to use a portion of approximately 10 acres for the business. They are trying to put the facility as

close to St.Rd. 10 as they can. The proposed building will have 3 eateries. One of the restaurants will be a sit down, the other one will be a sandwich shop and the last one will be a Dunkin Donuts. The rest of the facility will consist of a convenience store. There will be shower rooms and a separate lounge area for the travelers. The Semi truck's will enter from the west side of the proposed facility and exit through the east side of the property and auto traffic will use the middle to get in/out. They exceed all the required set-backs and the property is zoned HC. He then read the findings of facts.

1. The proposed Special Exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan:

Response: Gas stations and restaurants are permitted uses in the HC district. There are other travel centers located at this same intersection in Jasper County.

2. The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community (consider whether the special exception will hurt or potentially cause harm to the county).

Response: This use is consistent with the current uses in the area and will not cause harm to the adjacent community.

3. The proposed Special Exception is in harmony with all adjacent land uses.

Response: There are currently 2 other travel centers at this intersection (located on the other side of the interstate 65).

4. The proposed Special Exception will not alter the character of the district.

Response: This use is consistent with the current adjacent land uses.

5. The proposed Special Exception will not substantially impact property value in an adverse manner (consider whether neighboring property will suffer any major negative impacts).

Response: The proposed use will add amenities to the adjacent community and travelers on I-65.

6. No appreciable environmental harm will result from the use allowed by the special exception or if such harms could result, such resulting harms are eliminated or reasonable mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

Response: All required environmental measures will be taken to protect the surrounding areas.

Chris Kalischefski stated that they have 43ft. aisles. They will have 12 pumps in front for

the auto to use. They will provide a tree buffer along their northern line, which they exceed in the number of trees they are required to have. They are asking for a variance for the size of the sign which Carissa Wendt will explain to you in few minutes. The best view for their site is coming from the south going north.

Carissa Wendt stated that on June 11, 2016 they went to the property and did a balloon test to see how high the sign would be. The code states they can only be 75ft high which they did the test and found the visibility of the sign wasn't high enough. You cannot see the sign until you get close to the ramp. They presented a new plot plan showing the change in where the sign would be located at. They are proposing to move the sign further down the site so it's closer to I-65 and has better visibility heading from the south going north. They measured the height of the TA sign at 120ft. and Love's sign is at 115ft. and they are proposing to change theirs from the required 75ft. to 115ft. The total square footage for the TA sign is 650sq.ft. Love's Sign is 600sq.ft. and their sign is 602sq.ft. As far as the advertisement on the proposed sign will be Compass (being the main sign), regular gas prices & diesel prices and 3 different signs for the restaurants. Any franchise that comes in will want to have their name on the sign. The height and square footage is comparable with the two existing truck stops in the area. The ground sign meets the ordinance and is less square footage than what is required. They will have more building signs than what the code requires but they are not as big and under the square feet that is required. They feel it will be less of a safety issue if they move the sign higher than what the code requires. She stated that they did obtain drainage board approval.

Scott Walstra asked what are you going to do for traffic control. He feels there is already an issue with traffic there now and you will be adding more.

Chris Kalischefski replied that they have had the state out there to look at the situation and that is why they have placed the cuts for the entrance/exits where they did.

Carissa Wendt stated that there is an acceleration lane for the trucks to use.

Scott Walstra asked if the other 2 truck stops obtained a variance for the height of the signs?

Mary Scheurich replied that Love's Travel Center did obtain a variance for the sign but she does not think TA obtained a variance.

Jim Martin asked if anyone present had any opposition to the application.

Sharon Fisher was present and stated that she is from the campground across the street. She stated that she is concerned about the extra traffic this will have and wondered if they would be putting up a stop light to help with the traffic. She stated where they are proposing to put the cuts for the entrance/exits that the property is high and she is concerned about that. She is also concerned about the noise and the lighting issues that this will cause for the campground.

Carissa Wendt replied that they are prepared to meet the landscaping ordinance for Jasper County which requires trees and parking lot screening. Their intentions are to have LED lights

that cut off at the perimeter of the parking lot.

Chris Kalischefski replied that all their lights will be located up in the canopy not hanging down like the old gas stations use. Compass is a very neighbor focus company.

Scott Walstra stated that he is concerned about the traffic flow and he knows that, that is the State's jurisdiction not ours. He would like to see a stop light located here as well.

Chris Kalischefski replied that he would like a stop light to be located there as well if the Department of Transportation would do that.

Scott Walstra made the motion to grant approval for the special exception along with the facts of finding that Chris Kalischefski stated in his presentation in Article 9, Special Exception 9.14 (7)(a)(i) through (vi) . Motion was seconded by John Korniak and carried unanimously.

Jim Martin then read these to the Board:

- i. The proposed special exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan;

The board unanimously voted that the applicant met the requirements of (i).

- ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community;

The board unanimously voted that the applicant met the requirements of (ii).

- iii. The proposed special exception is in harmony with all adjacent land uses;

The board unanimously voted that the applicant met the requirements of (iii).

- iv. The proposed special exception will not alter the character of the district;

The board unanimously voted that the applicant met the requirements of (iv).

- v. The proposed special exception will not substantially impact property value in and adverse manner; and

The board unanimously voted that the applicant met the requirements of (v).

- vi. No appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

The board unanimously voted that the applicant met the requirements of (vi).

John Korniak made the motion to grant a variance for the signs height and square foot. Motion was seconded by Scott Walstra and carried unanimously.

Jim Martin stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Variance 9.19 (7)(b)(i) through (ii).

Jim Martin then read these to the Board:

- i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

The board unanimously voted that the applicant met the requirements of (i).

- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The board unanimously voted that the applicant met the requirements of (ii).

- iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

The board unanimously voted that the applicant met the requirements of (iii).

Jim Martin asked if we need to make a motion to grant approval of their Findings of Facts?

Attorney Sammons replied that in this case I don't believe the applicant presented proposed Findings of Facts but they certainly presented enough evidence for the board to be able to find them.

The board members agreed with the statement Attorney Sammons stated and feel the applicants stated the findings of facts for the variance in their presentation.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Jim Martin, Vice President